

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|--------------------------------|---|-----------------|
| TIMOTHY DWIGHT KEETON, |) | |
| |) | |
| Petitioner |) | |
| |) | |
| vs. |) | No. CIV-05-78-C |
| |) | |
| ERIC FRANKLIN, Warden, et al., |) | |
| |) | |
| Respondents |) | |

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on February 25, 2005, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The Report and Recommendation of Judge Purcell sets forth the relevant facts and prevailing law and need not be repeated here. Judge Purcell's conclusion that this petition for habeas corpus relief is time barred under 28 U.S.C. § 2244 has not been controverted by Petitioner's objection. There is nothing asserted by the Petitioner which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief

is dismissed, as untimely. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 25th day of April, 2005.



ROBIN J. CAUTHRON
United States District Judge